IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 12786 of 2005

Between:

Vuggina Satya Rao, S/o.Late Simhalachalam, Fair Price Shop Dealer,
Lakshmipuram village, Chodavaram Mandal, Visakhapatnam District.

..... PETITIONER

AND

1 The Joint collector, Visakhapatnam.
2 The District Supply officer, (Rural) Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the 1st respondent proceeding with the enquiry initiated against the petitioner under Sec.6-A of the Essential commodities Act without passing any orders on the petition dt.28-05-2005 submitted by the petitioner as illegal, unjust and against to the principles of natural justice and further directing the 1st respondent to depute any officer for making fresh inspection of the petitioners' fair price shop to submit report.

Counsel for the Petitioner: MR.B.DEVANAND

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following:

ORAL ORDER:

This Writ Petition is being disposed of at the stage of admission with the consent of both the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

2. The petitioner herein is a Fair Price Shop dealer. On 27.4.2005, the 2nd respondent-District Supply Officer (Rural), Visakhapatnam, came to the Fair Price Shop being run by the petitioner and on examination found the shop to be closed. The petitioner was called for and asked to produce the authorization and the records. The stocks were examined and were found to be at variance. A Mediators Report was prepared on the spot on 27.4.2005 in the presence of two mediators viz., Appalabathula Venkata Satya Suryanarayana Murthy and Siricholla Varahala Naidu. The 2nd respondent advised the petitioner to approach the 1st respondent-Joint Collector, Visakhapatnam if he has any objections, regarding the seizure, within three days.

3. It is stated in the affidavit filed in support of the Writ Petition that since the petitioner was ill, he could not file his objections immediately thereafter and that he filed such a petition on 28.5.2005 before the 1st respondent-Joint Collector praying to depute any officer to make inspection afresh of his Fair Price Shop as the stocks, stated in the Mediators Report to be in variance, are still lying in his godown. It is his case that since the said petition has not yet been disposed of, he filed the present Writ Petition seeking disposal of the said application before the enquiry initiated against the petitioner under Section 6-A of the Essential Commodities Act is proceeded with.

4. The Writ Petition is disposed of with a direction to the 1st respondent to dispose of the petition dated 28.5.2005 as filed by the petitioner, within a period of two (02) weeks from the date of receipt of a copy of this order. Needless to state that this order will not come in the way of the enquiry initiated against the petitioner, under Section 6-A of the Essential Commodities Act, being proceeded with by the authorities concerned in accordance with law. No costs.

16.6.2005

SSR

Issue copy in two days.

(BO)

To

1 The Joint collector, Visakhapatnam.
2 The District Supply Officer, (Rural) Visakhapatnam.

3 2 CCs to G.P. for Civil Supplies, High Court of A.P. Hyderabad. (OUT)

4 2 CD copies

5 1 CC to MR.DEVANAND

*Form-NIC-OGS/WP{**JA**}*